

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

J & J SPORTS PRODUCTIONS, INC.,)	
)	CASE NO. 4:13cv2083
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
MICHAEL J. ANTOUN, <i>Individually and as</i>)	
<i>the alter ego of Michaels aka Michael's Bar,</i>)	
)	<u>MEMORANDUM OF OPINION AND</u>
Defendant.)	<u>ORDER</u> [Regarding ECF No. 10]

This action alleging violations of [47 U.S.C. §§ 605](#) and [553](#) is before the Court upon Plaintiff's unopposed Motion for Default Judgment ([ECF No. 10](#)) against Defendant Michael J. Antoun, Individually and as the alter ego of Michaels *aka* Michael's Bar, filed on September 19, 2013. The Court has reviewed the affidavits of Joseph M. Gagliardi ([ECF No. 10-1](#)) and Jeffrey L. Koberg ([ECF No. 10-2](#)) and has reviewed the file.

Defendant was duly served with summons and the Complaint ([ECF No. 1](#)) by ordinary mail¹ on November 5, 2013, *see* [ECF No. 6](#); but, he has failed to plead or otherwise defend. On December 2, 2013, the clerk entered the default of Michael J. Antoun pursuant to [Fed. R. Civ. P. 55\(a.\)](#). *See* [ECF No. 8](#).

Plaintiff is entitled to the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) which represents: (1) One Hundred Thousand Dollars (\$100,000) in enhanced statutory damages under [47 U.S.C. §605\(e\)\(3\)\(C\)\(i\)\(II\)](#); plus (2) Fifty Thousand Dollars (\$50,000.00) in enhanced

¹ Service *via* certified mail service was returned marked "unclaimed." *See* [ECF No. 4](#). Thus, service by ordinary mail is appropriate. *See* Local Rule 4.2.

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statutory damages under [47 U.S.C. § 553\(c\)\(3\)\(A\)\(ii\) and \(B\)](#).

Plaintiff is entitled to an award of its attorneys' fees and costs pursuant to [47 U.S.C. §§ 605\(e\)\(3\)\(B\)\(iii\)](#) and [553\(c\)\(2\)\(C\)](#). The Court finds that the requested hourly rate of \$250.00 for Jeffrey L. Koberg, Esq. and the 5.50 hours actually expended on the case are reasonable. Plaintiff is, therefore, entitled to an award of fees totaling \$1,375.00, in addition to reasonable court costs it seeks in the sum of \$403.00.

For good cause shown, Plaintiff's Motion for Default Judgment ([ECF No. 10](#)) is granted.

Judgment will be entered in favor of Plaintiff J & J Sports Productions, Inc. against Defendant Michael J. Antoun, Individually and as the alter ego of Michaels *aka* Michael's Bar in the amount of \$151,375.00, plus court costs of \$403.00.

Plaintiff also requests "interest at the Ohio Statutory Rate of 3% per annum." [ECF No. 10 at 2](#). Because Plaintiff failed to provide legal authority for its request of interest, the request is denied. Plaintiff may file supplemental briefing with the Court identifying the legal authority to support an award of interest of 3% per annum, including an explanation as to why it is entitled to the Ohio statutory rate, rather than the federal rate, and identifying the specific statute that sets forth the amount of interest.

The Clerk is directed to issue a copy of this Order by regular mail to Michael J. Antoun, Individually and as the alter ego of Michaels *aka* Michael's Bar, 862 N. Main Street, Hubbard,

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Ohio 44425.

IT IS SO ORDERED.

December 20, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge